

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
SOUTHEASTERN DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	No. 1:21CR00025 SRC
	)	
SHAWNEE M. JOHNSON,	)	
	)	
Defendant.	)	

**GOVERNMENT'S RESPONSE TO COURT'S ORDER  
CONCERNING RULE 12(b) DISCLOSURE**

Comes now the United States of America, by and through its attorneys, Sayler A. Fleming, United States Attorney for the Eastern District of Missouri, and Julie A. Hunter, Assistant United States Attorney for said District, and for the Government's Response in accordance with the Court's Order Concerning Pretrial Motions, states as follows:

**RULE 12(b) DISCLOSURE**

Rule 12(b)(4)(B) provides:

"At the arraignment or as soon thereafter as is practicable defendant may, in order to afford an opportunity to move to suppress evidence under Rule 12(b)(3)(C), request notice of the government's intention to use (in its evidence in chief at trial) any evidence which defendant may be entitled to discover under Rule 16. (emphasis added)

In accordance with the dictates of Rule 12(b)(4)(B) the Government intends to use the following referenced evidence at trial:

1. **Relevant Written or Recorded Statements**

The relevant written or recorded statements made by the defendant which are within the possession, custody or control of the Government are as follows:

- (a) Recorded interview of defendant by SEMO Drug Task Force Officer Troy Shelly on July 10, 2020.

2. **Written Records Containing Substance of Oral Statements**

There are no written records containing the substance of any relevant oral statements made by the defendant in response to interrogation by any person then known to the defendant to be a government agent.

3. **Grand Jury Testimony**

The defendant has not testified before a grand jury relating to the offense charged.

4. **Other Relevant Oral Statements**

The defendant has not made any other relevant oral statements in response to interrogation by any person then known by the defendant to be a government agent, which the Government intends to use at trial.

5. **Defendant's Prior Record**

A copy of defendant's prior record, along with a complete copy of the investigative file held by the Government at this time, has been provided to counsel for the defendant.

6. **Documents and Tangible Objects**

The Government may introduce into evidence in its case in chief the following items which could arguably be subject to suppression:

- (a) Items seized following the execution of the search warrant at defendant's residence, including controlled substances, a New England Firearms, 12 gauge,

Break-Open Shotgun, and a Tangfoglio, E-32 Titan II, .32 Auto, semi-automatic pistol;

- (b) Items referenced in the Probable Cause Affidavit of SEMO Drug Task Force Officer Troy Shelly;
- (c) Items referenced in the Missouri State Highway Patrol Incident Report dated July 10, 2020;
- (d) Search Warrant for 3720 State Highway F, Portageville, Missouri, along with the Application, Affidavit, and Inventory;
- (e) Items referenced in the Complaint and Request for a Warrant issued in the Circuit Court of New Madrid County, Missouri;
- (f) Recorded interview of co-defendant by SEMO Drug Task Force Officer Troy Shelly.

7. **Reports of Examinations and Tests**

The Government may introduce into evidence in its case in chief testimony regarding the following reports of examinations and tests:

- (a) Interstate nexus report on the firearms, prepared by ATF Special Agent Matt Jones.

8. **Expert Witnesses**

The Government may introduce into evidence in its case in chief the following testimony of expert witnesses:

- (a) ATF Special Agent Matt Jones, who will testify in accordance with his report, to the relationship between firearms, possession and sales of controlled substances;

and to his opinion that the marijuana possessed by defendant was possessed with the intent to distribute.

SAYLER A. FLEMING  
UNITED STATES ATTORNEY

/s/ Julie A. Hunter  
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**CERTIFICATE OF SERVICE**

I hereby certify that on February 5, 2021, the foregoing was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system upon the following:

Jennifer Booth  
Attorney for Defendant

/s/ Julie A. Hunter  
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JULIE A. HUNTER, #51612MO  
ASSISTANT UNITED STATES ATTORNEY